

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:17-cr-135-T-27JSS

ANTHONY J. KLATCH, II

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ORDER

BEFORE THE COURT is correspondence from Defendant Klatch, construed as a motion to reconsider the denial of his motion for compassionate release. (Dkt. 63). A response is unnecessary. The motion is **DENIED**.

Klatch's motions for compassionate release were denied for, among other reasons, failure to identify extraordinary and compelling reasons warranting release. (Dkts. 50, 52, 54). The Eleventh Circuit Court of Appeals affirmed the denial of compassionate release, finding that

[e]ven were we to assume that Klatch properly exhausted all administrative remedies and is eligible for compassionate release, the district court did not abuse its discretion in denying Klatch's motion for reduction of sentence. The court did not apply an incorrect legal standard or fail to follow proper procedures in reaching its determination. And given Klatch's failure to present supporting medical records and reliance on previously rejected claims, none of the district court's factual findings were clearly erroneous.

(Dkt. 64 at 3-4).

In this construed motion to reconsider the denial of compassionate release, Klatch raises arguments that have been considered and rejected. *See* (Dkt. 63 at 1-3). This is not a basis for reconsideration.¹ Further, he does not support his asserted medical conditions with documentation

¹ In general, three circumstances justify reconsideration: (1) newly discovered evidence; (2) an intervening

or identify extraordinary and compelling reasons to warrant release. And consideration of the 18 U.S.C. § 3553 factors demonstrates that release is unwarranted. *See* 18 U.S.C. § 3582(c)(1).

In summary, Klatch provides no basis to grant compassionate release or reconsider the denial of his prior motions. Accordingly, his construed motion (Dkt. 63) is **DENIED**.

DONE AND ORDERED this 18th day of February, 2021.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
United States District Judge

Copies to: Defendant, Counsel of Record

change in controlling law; or (3) the need to correct clear error of law or prevent manifest injustice. *See Sussman v. Salem, Saxon & Nielsen, P.A.*, 153 F.R.D. 689, 694 (M.D. Fla. 1994). No such circumstances are present here.